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CLERK  
U.S. DISTRICT COURT

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

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KAITLYN PETERSON, an individual,  
Plaintiff,  
  
vs.  
  
HOME DEPOT U.S.A., INC., a  
Delaware corporation, doing business  
as HOME DEPOT, THE,  
Defendant.

**ORDER DENYING  
DEFENDANT'S MOTION TO  
DISMISS PLAINTIFF'S  
COMPLAINT PURSUANT TO  
FRCP 12(b)(6)**

Case No. 1:19-cv-00091-BSJ  
Judge: Bruce S. Jenkins

This matter came on for hearing on December 12, 2019 on Defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to FRCP 12(b)(6) [8] before the Honorable Bruce S. Jenkins, with Plaintiff represented by counsel Jason M. Yancey, and with Defendant represented by counsel Aaron B. Shumway. The Court, having heard all matters presented by the parties, and being fully advised in the premises, HEREBY ORDERS as follows:

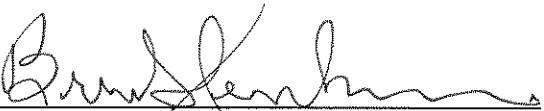
1. Defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to FRCP 12(b)(6) [8] is DENIED.

2. Defendant is to file an answer to the complaint within 10 days.

**SO ORDERED.**

Signed 1/28/, \_\_, 2020.

BY THE COURT:

  
\_\_\_\_\_  
Bruce S. Jenkins, U.S. District Judge

RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of January, 2020.

HELGESEN HOUTZ & JONES

By: /s/ Jason M. Yancey

Jason M. Yancey

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26<sup>th</sup> day of December, 2019, I emailed the foregoing **ORDER** to the following: aaron.shumway@ndlf.com.

I FURTHER HEREBY CERTIFY that on the 23<sup>rd</sup> day of January, 2020, I caused the foregoing **ORDER** to be electronically submitted to the Clerk of Court via email to the following: utdecf\_jenkins@utd.uscourts.gov  
with cc to the following:  
aaron.shumway@ndlf.com

Jason M. Yancey